

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ENHANCE, INC., et al.,

Plaintiffs,

v.

Case No. 16-CV-11854

RICK SNYDER, et al.,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE
MOTION FOR PRELIMINARY INJUNCTION AS PREMATURE**

On May 24, 2016, Plaintiffs initiated this action against Governor Rick Snyder, Shelly Edgerton, and Larry Horvath. Summons were issued the next day, and the following day, Plaintiffs filed a motion for preliminary injunction. In their motion, Plaintiffs seek a preliminary injunction which, essentially, mirrors the final injunction requested at the conclusion of this litigation. Specifically, Plaintiffs ask that Defendants be enjoined from taking any steps to enforce the Adult Foster Care Facility Licensing Act, Mich. Comp. Laws § 400.701, in such a manner as to require adult foster care licenses for private homes. Because Defendants have not yet appeared in this action, the motion will be denied as premature.

The Federal Rules do not allow a preliminary injunction to be issued without notice to the adverse party. See Fed. R. Civ. P. 65(a)(1). Further, Plaintiffs have not filed a motion for a temporary restraining order, nor does their complaint establish that “immediate and irreparable injury, loss, or damage will result . . . before the adverse party or that party’s attorney can be heard in opposition.” Fed. R. Civ. P. 65(b)(1)(A).

Until Defendants have been validly served and filed their responsive pleadings, the court finds a motion for preliminary injunction to be premature. Accordingly,

IT IS ORDERED that Plaintiffs' Motion for Preliminary Injunction (Dkt. # 7) is DENIED. Plaintiffs shall serve Defendants in due course, and await the filing of responsive pleadings. When responsive pleadings are filed, the court will set a scheduling conference, and discuss with the parties an appropriate course for this litigation, which may involve a deadline for filing a renewed motion for preliminary injunction or may contemplate an expedited trial on the merits. *See generally* Fed. R. Civ. P. 65(a)(2).

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 8, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 8, 2016, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522